

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF TX
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CLERK, U.S. BANKRUPTCY
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BY _____ DEPUTY

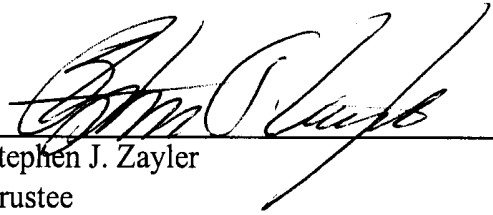
IN RE:)
WHITE, DALE WILLIAM) CASE NO. 94-10973
WHITE, HELENA FRANCINE)
DEBTOR(S)) CHAPTER 7

**TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION,
AND REPORT OF PROPOSED DISTRIBUTION**

Stephen J. Zayler, trustee of the estate of the above-named Debtor(s), certifies to the Court and the United States Trustee, that the trustee has faithfully and properly fulfilled the duties of the office of the trustee, that the trustee has examined all proofs of claims as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper and consistent with the law and rules of the court. The trustee applies for commission and expenses set forth herein and states that they are reasonable and proper.

Therefore, the trustee requests that the Final Report, Application for Compensation, and Report of Proposed Distribution be approved.

DATE: October 6, 1999



Stephen J. Zayler
Trustee

REVIEWED BY THE UNITED STATES TRUSTEE:

I have reviewed the Trustee's Final Report, Application for Compensation, and Report of Proposed Distribution and have no objection.

United States Trustee

Date: 10-14-99

By: BU

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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:)	
WHITE, DALE WILLIAM)	CASE NO. 94-10973
WHITE, HELENA FRANCINE)	
)	CHAPTER 7
DEBTOR(S))	

**TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION
AND APPLICATION TO CLOSE CASE AND DISCHARGE TRUSTEE**

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth herein: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced monies from personal funds for expenses, and that the Trustee has not been reimbursed or indemnified.

2. The Trustee submits Schedule F as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554(c).

3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them, and the estate is ready to be closed.

4. The Trustee submits Schedule A as the account of estate cash receipts and disbursements.

5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.

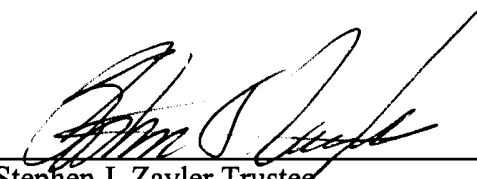
6. The Trustee requests approval of this final report.

7. The Trustee has examined each and every claim filed and noted his approval of claims as filed, or he has filed objections to allowance or requests for reclassification.

8. The Trustee further requests that after final distribution of all monies in accordance with the Trustee's Report of Final Distribution, and upon filing of A Supplemental Final Report and Account and certification by the U.S. Trustee the trustee be discharged from office and that the case be closed.

I declare under penalty of perjury that this Report and attached Schedules are true and correct to the best of my knowledge and belief.

Dated: October 6, 1999



Stephen J. Zayler Trustee

SCHEDULE A-1

FINAL ACCOUNT AS OF October 6, 1999

A. RECEIPTS	\$80,145.38
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B. DISBURSEMENTS

(1) Secured creditors	0.00
(2) Administrative	50,060.51
(3) Priority	0.00
(4) Other - Paid to debtor per Stipulation	21,931.62

TOTAL DISBURSEMENTS	\$71,992.13
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BALANCE OF FUNDS	\$8,153.25
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TRUSTEE'S FINAL REPORT CASE SUMMARY

TRUSTEE:

ZAYLER

CASE NAME:

WHITE, DALE/HELENA

COMMENTS:

CASE NUMBER:

94-10973

DATE UST APPROVED:

10-14-99

ESTATE INCOME:

TOTAL RECEIPTS:

\$80,145.38

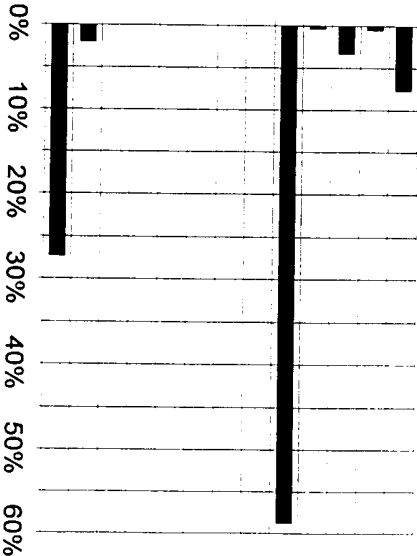
100.00%

ESTATE EXPENSES:

TRUSTEE'S COMMISSION
TRUSTEE'S EXPENSES
FIRM'S PROFESSIONAL FEES
FIRM'S PROFESSIONAL EXPENSES
OTHER ATTORNEY FEES
OTHER PROFESSIONAL FEES
COURT COSTS
ESTATE EXPENSES(TAXES, ETC)
PRIOR CHAPTER COSTS
SECURED CLAIMS PAID
PRIORITY CLAIMS PAID
UNSECURED CLAIMS PAID
OTHER(RETURN TO DEBTOR, ETC)

6,160.69
385.31
2,658.00
299.94
47,102.57
0.00
0.00
0.00
0.00
0.00
0.00
1,607.25
21,931.62

7.69%
0.48%
3.32%
0.37%
58.77%
0.00%
0.00%
0.00%
0.00%
0.00%
0.00%
2.01%
27.36%



UNSECURED CLAIMS

ALLOWED

2,100.77

UNSECURED CLAIMS

PAID

1,607.25

PERCENT RECOVERED
FOR UNSECURED

76.51%

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES

Case No: 94-10973 BP1 Judge: BILL PARKER
Case Name: WHITE, DALE WILLIAM
WHITE, HELENA FRANCINE
For Period Ending: 10/06/99

Trustee Name: Stephen J. Zayler
Date Filed (f) or Converted (c): 11/23/94 (f)
341(a) Meeting Date: 01/06/95
Claims Bar Date: 10/22/97

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=554(a) Abandon DA=554(c) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. PKG. ACCT.	25.00	0.00		0.00	FA
2. HOUSEHOLD GOODS	1,500.00	0.00		0.00	FA
3. WEARING APPAREL	1,500.00	0.00		0.00	FA
4. RETIREMENT PLAN	1.00	1.00	OA	0.00	FA
5. LAWSUIT	Unknown	Unknown		80,000.00	FA
6. '94 HONDA CIVIC	13,500.00	0.00		0.00	FA
7. '92 ISUZU TRUCK	7,552.00	0.00		0.00	FA
8. COMPUTER	300.00	0.00		0.00	FA
9. Post-Petition Interest Deposits (u)	Unknown	120.56		145.38	FA

TOTALS (Excluding Unknown Values) \$24,378.00 \$121.56

\$80,145.38

Gross Value of Remaining Assets \$0.00
(Total Dollar Amount in Column 6)

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

FORM 2

Page: 1

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 94-10973 BP1
Case Name: WHITE, DALE WILLIAM
WHITE, HELENA FRANCINE

Trustee Name: Stephen J. Zayler
Bank Name: BANK OF AMERICA
Account Number: 3753856634 Money Market - Interest Bearing

Taxpayer ID No: 75-6550152
For Period Ending: 10/06/99

Blanket Bond (per case limit): \$ 300,000.00
Separate Bond (if applicable):

1	2	3	4	5	6	7	8	9	10
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Interest (\$)	Checks (\$)	Adjustments (\$)	Transfers (\$)	Account Balance (\$)
06/30/99	5	CORPORATE CLAIMS MANAGEMENT, INC. 6000 N. LOOP 1604 W. SAN ANTONIO, TX 78249-1112	BALANCE FORWARD SETTLEMENT OF LAWSUIT	80,000.00					80,000.00 0.00
07/14/99	000101	DAVID W. STARNES ATTORNEY AT LAW 390 PARK, SUITE 700 BEAUMONT, TX 77701	PAYMENT OF ATTORNEY FEES PER ORDER DATED 6-15-99.			32,000.00			48,000.00
07/14/99	000102	DAVID W. STARNES ATTORNEY AT LAW 390 PARK, SUITE 700 BEAUMONT, TX 77701	PAYMENT OF ATTORNEY EXPENSES PER ORDER DATED 6-15-99.			15,102.57			32,897.43
07/15/99	000103	DALE WILLIAM WHITE and HELENA WHITE	PAYMENT TO DEBTOR PER STIPULATION			21,931.62			10,965.81
07/30/99	9	NationsBank, N.A.	INTEREST REC'D FROM BANK		97.74				11,063.55
08/31/99	9	NationsBank, N.A.	INTEREST REC'D FROM BANK		22.82				11,086.37
09/30/99	9	BANK OF AMERICA	INTEREST REC'D FROM BANK		21.43				11,107.80
10/04/99	000104	STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743	PAYMENT OF ATTORNEY FEES PER ORDER DATED 9-30-99.			2,658.00			8,449.80
10/04/99	000105	STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743	PAYMENT OF ATTORNEY EXPENSES PER ORDER DATED 9-30-99.			299.94			8,149.86
10/06/99	9	BANK OF AMERICA	INTEREST REC'D FROM BANK		3.39				8,153.25
10/06/99		Transfer to acct #3753856799	Final Posting Transfer					-8,153.25	0.00

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 94-10973 BPI
Case Name: WHITE, DALE WILLIAM
WHITE, HELENA FRANCINE
Taxpayer ID No: 75-6550152
For Period Ending: 10/06/99

Trustee Name: Stephen J. Zayler
Bank Name: BANK OF AMERICA
Account Number: 3753856634 Money Market - Interest Bearing
Blanket Bond (per case limit): \$ 300,000.00
Separate Bond (if applicable):

1	2	3	4	5	6	7	8	9	10
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Interest (\$)	Checks (\$)	Adjustments (\$)	Transfers (\$)	Account Balance (\$)

Account 3753856634			
	Balance Forward	0.00	
1	Deposits	80,000.00	
4	Interest Postings	145.38	
	Subtotal	<u>\$ 80,145.38</u>	
0	Adjustments In	0.00	
0	Transfers In	0.00	
	Total	<u>\$ 80,145.38</u>	

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 94-10973 BP1
Case Name: WHITE, DALE WILLIAM
WHITE, HELENA FRANCES
Taxpayer ID No: 75-6550152
For Period Ending: 10/06/99

Trustee Name: Stephen J. Zayler
Bank Name: BANK OF AMERICA
Account Number: 3753856799 Checking - Non Interest
Blanket Bond (per case limit): \$ 300,000.00
Separate Bond (if applicable):

1	2	3	4	5	6	7	8	9	10
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Deposits (\$)	Interest (\$)	Checks (\$)	Adjustments (\$)	Transfers (\$)	Account Balance (\$)
10/06/99		Transfer from Acct #3753856634	BALANCE FORWARD Transfer In From MMA Account					8,153.25	0.00 8,153.25

Account 3753856799		
Balance Forward	0.00	
0 Deposits	0.00	0 Checks
0 Interest Postings	0.00	0 Adjustments Out
Subtotal	\$ 0.00	0 Transfers Out
0 Adjustments In	0.00	Total
1 Transfers In	8,153.25	\$ 0.00
Total	\$ 8,153.25	

Report Totals		
Balance Forward	0.00	
1 Deposits	80,000.00	5 Checks
4 Interest Postings	145.38	0 Adjustments Out
Subtotal	\$ 80,145.38	1 Transfers Out
0 Adjustments In	0.00	Total
1 Transfers In	8,153.25	\$ 80,145.38
Total	\$ 88,298.63	Net Total Balance \$ 8,153.25

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS

form.bill

In Re:
Dale William White
Heleana Francine White
Debtor(s)

Case No: 94-10973 bp
Chapter: 7

BILL OF COURT COSTS

To: **Stephen J. Zayler**
P.O. box 150743
Lufkin, TX 75915-0743

Notice is hereby given that court costs (and deferred adversary filing fees, if applicable) are due and owing, pursuant to 28 USC Section 1930, in the above case in the amount of **\$0.00**.

These costs are itemized as follows:

NOTICES

\$.25 per notice in excess of 50 notices mailed prior to 1/1/87. **\$0.00**

\$.50 per notice for all notices mailed 1/1/87 between 1/1/98. **\$0.00**

NOTE: For Chapter 7 cases filed after 12/1/92, there will be NO NOTICE FEES.
(Do Not Bill for \$.50 per notice)

NOTE: For all other chapters filed after 1/1/98, there will be NO NOTICE FEES. (Do Not Bill for \$.50 per notice)

PROCESSING CLAIMS

NOTE: Eliminated is the fee of \$.25 for clerical processing of each claim in excess of 10 in cases filed under the Act or Code.

DEFERRED ADVERSARY FILING FEES

0 Chapter 7 Adversary Proceeding filed @ \$120.00/150.00 each. **\$0.00**

NOTE: For all Adversary Proceedings filed after 12/18/96 the filing fee is \$150.00.

TOTAL AMOUNT DUE **\$0.00**

Check to be made payable to Clerk, U.S. Bankruptcy Court

Date: **10/7/99**

JAMES D. TOKOPH
Clerk of Court

By: _____

Sandy Morris
Deputy Clerk

NOTE: For Chapter 11 Cases Only: Court costs are due on or before the confirmation hearing. The Judge will confirm that these cases have been paid at the hearing.

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:

DALE WILLIAM WHITE and
SSN 462-21-5083
HELEANA FRANCINE WHITE,
SSN 570-41-6427
DEBTORS

§
§
§
§
§
§

CASE NO. 94-10973

(CHAPTER 7)

EOD JUN 16 '99

ORDER APPROVING TRUSTEE'S AMENDED
APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES FOR SPECIAL COUNSEL FOR TRUSTEE
AS AN ADMINISTRATIVE EXPENSES

CAME ON this day to be considered the Application for Compensation and Reimbursement of Expenses filed by STEPHEN J. ZAYLER, Trustee, on behalf of DAVID W. STARNES, Special Counsel for the Bankruptcy Estate, and it appearing to the Court that the Application is well taken and should be granted pursuant to 11 U.S.C. Section 330, it is therefore

ORDERED, ADJUDGED AND DECREED that the Trustee be authorized to pay to DAVID W. STARNES, as an administrative expense, compensation for legal services rendered as Special Counsel for the Bankruptcy Estate, the sum of \$32,000.00 attorney's fees and reimbursement of out-of-pocket expenses in the sum and amount of ~~\$15,102.57~~ ^{\$15,102.57} for a total of ~~\$47,102.57~~ ^{\$47,102.57} fees and expenses of ~~\$47,102.57~~ and that the same be paid from the funds of this estate upon execution thereof.

DATED this 15th day of June, 1999.


BILL PARKER

UNITED STATES BANKRUPTCY JUDGE

IN RE: DALE WILLIAM WHITE and HELEANA FRANCINE WHITE, DEBTORS
§
§
§
§
§
§
CASE NO. 94-10973 DEPUTY CLERK
(CHAPTER 7)

TRUSTEE'S MOTION TO APPROVE COMPROMISE
AND SETTLEMENT OF DISTRICT COURT CAUSE OF ACTION

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, 300 WILLOW, SUITE 112, BEAUMONT, TX. 77701, AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUESTS FOR HEARING.

IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DENIED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

Comes now STEPHEN J. ZAYLER, the duly appointed, qualified and acting Chapter 7 Trustee in the above captioned bankruptcy proceeding and files this his Motion to Approve Compromise and Settlement of District Court Cause of Action, and would respectfully show the Court as follows:

1. A Chapter 7 Voluntary Petition in bankruptcy was filed by Dale W. White and Heleena F. White on November 23, 1994. Trustee filed his Trustee's Report of No Distribution on January 11, 1995. On October 4, 1996, the Bankruptcy Court entered its Order reopening the bankruptcy proceeding, upon Motion by Coleman Young, attorney for the Debtors. This case was reopened for the purpose of adding as an asset of the estate a lawsuit pending in the

TRUSTEE'S MOTION TO APPROVE COMPROMISE AND
SETTLEMENT OF DISTRICT COURT CAUSE OF ACTION
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172nd Judicial District Court of Jefferson County, Texas. The undersigned was thereafter re-appointed to serve as Trustee of that Bankruptcy proceeding.

2. At the time of the filing of the Debtor's Voluntary Petition in Bankruptcy, the Debtors Dale William White and Heleena Francine White, were Plaintiffs in a suit entitled *Heleena White, et vir vs. Diamond Shamrock Refining and Marketing Company*, being cause number E-154,988, pending in the 172nd Judicial District Court of Jefferson County, Texas. This is a cause of action for injuries sustained by Debtor, Heleena Francine White, resulting from a robbery which occurred while Heleena Francine White was employed by the Defendant, Diamond Shamrock.

3. The Trustee filed his Application to Retain DAVID W. STARNES as Special Counsel to represent the interests of the bankruptcy estate, to prosecute and collect the claim against the Defendants. The Court entered its Order Authorizing Trustee to Retain Special Counsel on December 31, 1996. According to that Application and Order, the Court authorized payment to DAVID W. STARNES the sum of forty percent (40%) of the sums collected, plus reimbursement of all costs or out-of-pocket expenses directly incurred in investigating, preparing, or litigating this claim.

4. The Trustee would show to the Court that the Trustee, Special Counsel, David W. Starnes, and Debtors have agreed to compromise and settle this cause of action against the Defendants for the total sum of \$80,000.00.

5. The Trustee entered into a Stipulation with the Debtors allowing the Debtors to receive two-thirds (2/3) of any recovery under this District Court cause of action, after payment of attorney's fees and expenses to Special Counsel David W. Starnes. That Stipulation was approved by Order of the Bankruptcy Court on December 31, 1996.

6. The Trustee believes that it would be in the best interest of the Bankruptcy Estate for the claim against the Defendants to be settled in accordance with the terms outlined in the

TRUSTEE'S MOTION TO APPROVE COMPROMISE AND
SETTLEMENT OF DISTRICT COURT CAUSE OF ACTION
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attached Irrevocable Rule 11 Memorandum of Agreement attached as Exhibit "A".

7. The controlling case authority in the Fifth Circuit governing the Court's decision regarding the compromise and settlement of litigation similar to that sought to be approved in this application is *Matter of AWECO, 725 F.2d (5th Cir. 1984)*, applying to bankruptcy cases the rules set forth in *Matter of Jackson Brewing Co., 624 F.2d 599 (5th Cir. 1980)*.

8. The *Jackson Brewing Co.* decision lists three factors to be considered by a Court in considering the approval of compromise and settlement of adversary proceedings. A discussion of the major factors outlined in the *Jackson Brewing Co.* case are set out below:

(A) PROBABILITY OF SUCCESS IN LITIGATION WITH DUE REGARD FOR THE UNCERTAINTY OF FACT AND LAW:

The litigation was initiated prior to the filing of Debtor's Voluntary Petition in Bankruptcy, for the purpose of collecting moneys which Debtor alleges to be entitled to as the result of injuries sustained by the Debtor, Heleena Francine White, as the result of a robbery which occurred while Heleena Francine White was employed by Diamond Shamrock. While the Debtor and special counsel are confident that the Debtor's claims are valid and supported by the evidence, litigation is always an uncertain enterprise and a successful recovery is never guaranteed. The settlement tendered is a substantial portion of the Debtor's claim for damages and would appear to be reasonable under the circumstances.

(B) COMPLEXITY OF LIKELY DURATION OF LITIGATION AND ANY ATTENDANT EXPENSE, INCONVENIENCE AND DELAY:

The facts set forth in the above paragraph apply equally to this factor. It has taken in excess of four years of diligent work to achieve this agreement. Any further delay would not be in the best interest of the creditors or the bankruptcy estate, as it would not produce more recovery for creditors.

(C) ALL OTHER FACTORS BEARING ON THE WISDOM OF THE COMPROMISE SETTLEMENT AGREEMENT:

Additional factors to be considered as set out in *American Employers' Ins. Co. vs. King Resources Co., 556 F.2d 471 (10th Cir., 1977)*, as they apply to a chapter 7 proceeding, are as follows:

(i) **OBJECTIONS BY OTHERS:** The parties are not aware of any objections to the settlement by any interested party.

(ii) **COMPETENCY AND EXPERIENCE OF COUNSEL SUPPORTING**

COMPROMISE SETTLEMENT AGREEMENT: DAVID W. STARNES, attorney, has substantial expertise and experience in this area. The employment of DAVID W. STARNES has been necessary and beneficial to the Trustee, creditors and parties in interest in an effort to maintain an orderly progress of this case, to secure and protect as many assets for the benefit of the estate as possible, and to negotiate the settlement of this District Court cause of action, in order to achieve a final resolution. The services rendered by DAVID W. STARNES were performed entirely for the benefit of the Debtor and the bankruptcy estate and not for any other entity or person. DAVID W. STARNES recommends approval of this settlement.

Stephen J. Zayler has had substantial expertise and experience in this area. He was admitted to the Bar in 1982 and is an attorney whose practice is ninety percent (90%) bankruptcy. He is familiar with all aspects of bankruptcy proceedings having been a Chapter 7 Trustee and as an attorney representing Chapter 7 Trustees for a period in excess of nine (9) years. The services rendered by Stephen J. Zayler were performed entirely for the benefit of the bankruptcy estate and not for any other entity or person. Stephen J. Zayler recommends approval of this settlement

(iii) **TOTAL BENEFIT TO CREDITORS:** The unsecured creditors are projected to receive a distribution from the Bankruptcy Estate. The proceeds from the settlement of this cause

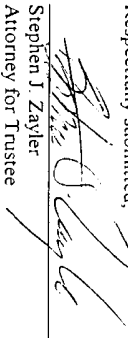
of action are substantially all of the assets available for distribution. Scheduled unsecured

creditors total approximately \$31,848.00

(iv) EXTENT THAT COMPROMISE SETTLEMENT AGREEMENT IS ARBITRARY LENGTH TRANSACTION, NOT FRAUD OR COLLUSION: The settlement was reached as the result of extensive difficult negotiations, and is not the result of fraud or collusion by the parties.

WHEREFORE, the Trustee prays that the Court approve the settlement reached upon the terms outlined above, and that the Trustee be authorized to execute all instruments necessary to compromise and settle this cause of action.

Respectfully submitted,


Stephen J. Zayler
Attorney for Trustee
P. O. Box 150743
123 E. Lufkin Avenue
Lufkin, TX 75915-0743
(409) 634-1020

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served on all parties shown on Exhibit "B" attached hereto, by depositing the same in the United States Mail on this the 12th day of May, 1999.


Stephen J. Zayler

TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT OF DISTRICT COURT CAUSE OF ACTION
Claus Bankrupt Trustee While Approves

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE

DALE WILLIAM WHITE and
SSN 462-21-5083
HELEANA FRANCES WHITE,
SSN 570-41-6427
DEBTORS

CASE NO. 94-10973
(CHAPTER 7)

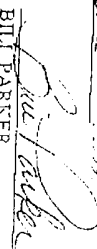
EOB JUN 11 1999

ORDER ON TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT OF DISTRICT COURT CAUSE OF ACTION

CAME ON TO BE CONSIDERED Trustee's Motion to Approve Compromise and Settlement of District Court Cause of Action being styled *Heleana White, et vir vs. Diamond Shumock Refining and Marketing Company*, being cause number E-154,988, pending in the 172nd Judicial District Court of Jefferson County, Texas, and the Court having considered said settlement agreement and the pleadings on file herein, and being of the opinion that said settlement agreement should be approved by this Court, it is

ORDERED that said compromise and settlement of the above District Court cause of action for the sum of \$80,000.00 is APPROVED, and the Trustee is authorized to execute any and all documents necessary to compromise and settle this cause of action.

SIGNED this 12th day of June, 1999


BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

cc: Stephen Zayler

TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT OF DISTRICT COURT CAUSE OF ACTION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:

DALE WILLIAM WHITE

SSN 462-21-5083

HELEANA FRANCINE WHITE

SSN 570-41-6427

DEBTORS

CASE NO. 94-10973

CHAPTER 7

ORDER APPROVING APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES FOR COUNSEL FOR TRUSTEE

EOD OCT - 1 '99

On or about September 1, 1999, the Application for Compensation and Reimbursement of Expenses (the "Application") was filed by Stephen J. Zayler, Trustee, on behalf of STEPHEN J. ZAYLER, Counsel for the Trustee in the above-referenced case. The Court finds that the Application was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20)-day negative notice language, pursuant to Local Rule of Bankruptcy Procedure 9007, which directed any party opposed to the granting of the relief sought by the Application to file a written response within twenty days or the Application would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Application has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Application stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Trustee be authorized to pay STEPHEN J. ZAYLER, as compensaation for legal services rendered as Counsel for the Trustee, the sum of \$2,658.00, and reimbursement of out-of-pocket expenses in the sum and amount of \$299.94 for a total of fees and expenses of \$2,957.94 and that the same be paid from the funds of this estate upon execution thereof.

DATED this 30th day of September 1999.

Brian Taylor
UNITED STATES BANKRUPTCY JUDGE

Wle

SCHEDULE B

APPLICATION FOR COMPENSATION

COMPUTATION OF COMMISSIONS

Receipts	\$58,213.76	25% of First \$5,000	\$1,250.00
Less	-\$5,000	(\$1,250.00 Max)	
Balance	\$45,000.00	10% of Next \$45,000	\$4,500.00
Less	-\$45,000	(\$4,500.00 Max)	
Balance	\$8,213.76	5% of Next \$950,000	\$410.69
Less	-\$950,000	(\$47,500.00 Max)	
Balance	\$0.00	3% of Balance	\$0.00

TOTAL COMPENSATION REQUESTED \$6,160.69*

***Trustee Commission is not computed on \$21,931.62 paid back to debtor from personal injury lawsuit proceeds per Stipulation with the debtor.**

TRUSTEE EXPENSES:

Premium on Trustee's Bond		\$0.00
Travel (0.00 at 0.00cents per mile)		\$0.00
Copies (900.00 page at 0.25 cents per copy)		\$225.00
Postage		\$71.16
Telephone Charges		\$84.00
Clerical/Secretarial (0.00 at 0.00 per hour)	WAIVED	\$0.00
Paralegal/Assistance (0.00 at 0.00 per hour)	WAIVED	\$0.00
Supplies/Stationary		\$5.15
Distribution Expenses		\$0.00
Miscellaneous		\$0.00

TOTAL EXPENSES \$385.31

Records : Trustee did not take possession of
business or personal records of Debtor.

X

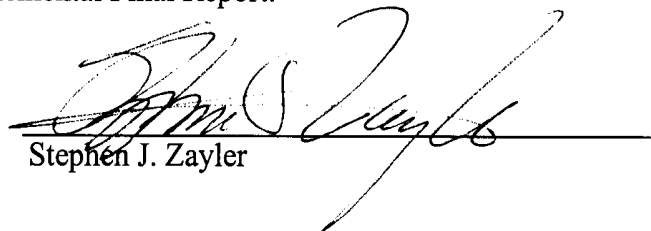
Notice given debtor on
to pick up business or personal records
in hands of Trustee.

THE STATE OF TEXAS)

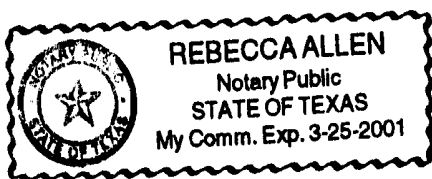
COUNTY OF ANGELINA)

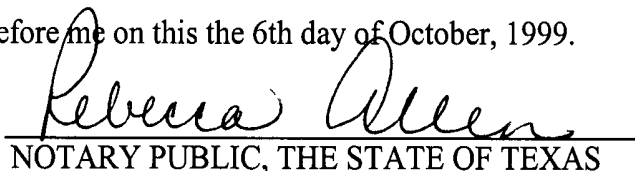
BEFORE ME, the undersigned authority on this date personally appeared Stephen J. Zayler, and under oath stated the following:

"I, Stephen J. Zayler, am the duly appointed Trustee in the DALE WILLIAM and HELENA WHITE bankruptcy proceeding. I am hereby making application for the maximum amount of Trustee fees, as it is my opinion that the maximum amount was earned by me in carrying out my duties as Trustee. I held the 341a meeting and originally filed a Trustee's Report of No Distribution. The case was reopened to administer an unscheduled pre-petition personal injury lawsuit in which the debtor, Helena White, was a Plaintiff. I employed professionals to continue the representation of this estate in the lawsuit. I assisted the Special Counsel in the litigation in the settlement of this lawsuit and the collection of the settlement proceeds. I filed necessary applications to pay the professionals employed and approve the settlement of the lawsuit. I had numerous conferences and correspondence with the debtors, the Special Counsel, attorneys for the Defendant in the lawsuit, and creditors. **I am waiving reimbursement for the secretarial/clerical and paralegal expenses incurred in order to make a larger distribution to unsecured creditors.** Further, I performed or will perform all other numerous duties of a Trustee, including, but not limited to, preparing Trustee's Final Report, making disbursements and preparing the Supplemental Final Report.


Stephen J. Zayler

SWORN TO AND SUBSCRIBED TO before me on this the 6th day of October, 1999.




NOTARY PUBLIC, THE STATE OF TEXAS

SCHEDULE C
EXPENSES OF ADMINISTRATION

	(1) Amount Claimed	(2) Amount Allowed	(3) Previously Paid	(4) Due
1. 11 U.S.C Sec. 507(a)(1) Court Costs and Fees	0.00	0.00	0.00	0.00
2. 11 U.S.C. Sec. 503(b)(1)(a) Preservation of Estate	0.00	0.00	0.00	0.00
3. 11 U.S.C. Sec. 503(b)(2) Post-Petition taxes and related penalties	0.00	0.00	0.00	0.00
4. 11 U.S.C. Sec. 503(b)(2) Compensation and Reimbursements				
A. Trustee - Compensation	6,160.69	6,160.69	0.00	6,160.69
B. Trustee - Expense	385.31	385.31	0.00	385.31
C. SPECIAL ATTY EXPENSES	15,728.28	15,102.57	15,102.57	0.00
D. SPECIAL ATTY FEES	32,000.00	32,000.00	32,000.00	0.00
E. TRUSTEE ATTORNEY EXPENSES	299.94	299.94	299.94	0.00
F. TRUSTEE ATTORNEY FEES	2,658.00	2,658.00	2,658.00	0.00
5. Court Special Charges (Excess Notices)	0.00	0.00	0.00	0.00
6. United States Trustee Fees	0.00	0.00	0.00	0.00
BkMk6 TOTALS:	\$57,232.22	\$56,606.51	\$50,060.51	\$6,546.00

SCHEDULE D

SECURED CLAIMS

Claim no.	Amount Claimed	Amount Not Determined	Amount Allowed	Previously Paid	Due
TOTALS	0.00		0.00	0.00	0.00

IDENTIFICATION OF SECURED PARTIES AFFECTED:

Claim No. Name of Creditor		Claim No. Name of Creditor	
1	SEARS ROEBUCK & CO.	3	GMAC
4	SEARS		

SCHEDULE E

PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES IN THE FOLLOWING ORDER OF PRIORITY

	(1) Amount Claimed	(2) Amount Allowed	(3) Amount Paid	(4) Due
1. For Credit extended - Sec. 364(e)(1)	0.00	0.00	0.00	0.00
2. Claims from failure of adequate protection - Sec. 307(a)(b)	0.00	0.00	0.00	0.00
3. "Gap Claims" - Sec. 507(a)(2)	0.00	0.00	0.00	0.00
4. Wages, etc. - Sec. 507(a)(3)	0.00	0.00	0.00	0.00
5. Contributions to benefit plans - Sec. 507(a)(4)	0.00	0.00	0.00	0.00
6. Consumer deposits - Sec. 507(a)(6)	0.00	0.00	0.00	0.00
7. Taxes - Sec. 507(a)(7)	0.00	0.00	0.00	0.00
8. Other (No Basis):	0.00	0.00	0.00	0.00
TOTALS:	\$0.00	\$0.00	\$0.00	\$0.00

SCHEDULE E

PARTIES AFFECTED:

Priority No. Name of Creditor		Priority No. Name of Creditor		
FILED UNSECURED CLAIMS TOTAL:	2,100.77	2,100.77	0.00	2,100.77
SUBORDINATED UNSECURED CLAIMS				
TOTAL:	0.00	0.00	0.00	0.00

EXHIBIT A
ANALYSIS OF CLAIMS REGISTER

Case Number: 94-10973

Page 1

Date: October 06, 1999

Debtor Name: WHITE, DALE WILLIAM

Claim Type Sequence

Code #	Creditor Name & Address	Claim Class	Notes	Scheduled	Claimed	Allowed
025 SAE	DAVID W. STARNES ATTORNEY AT LAW 390 PARK, SUITE 700 BEAUMONT, TX 77701	Administrative	ATTORNEY EXPENSES PER ORDER DATED 6-15-99.	\$0.00	\$15,728.28	\$15,102.57
Subtotal For Claim Type SAE SPECIAL ATTY EXPENSES				\$0.00	\$15,728.28	\$15,102.57
025 SAF	DAVID W. STARNES ATTORNEY AT LAW 390 PARK, SUITE 700 BEAUMONT, TX 77701	Administrative	ATTORNEY FEES PER ORDER DATED 6-15-99.	\$0.00	\$32,000.00	\$32,000.00
Subtotal For Claim Type SAF SPECIAL ATTY FEES				\$0.00	\$32,000.00	\$32,000.00
1 000 SC	SEARS ROEBUCK & CO. P. O. BOX 29600 NEW ORLEANS, LA 70189	Secured	SECURED PORTION OF CLAIM DISALLOWED PER ORDER DATED 8-16-99.	\$0.00	\$331.00	\$0.00
3 000 SC	GMAC P. O. BOX 9003 LEAGUE CITY, TX 77574	Secured	CLAIM DISALLOWED PER ORDER DATED 8-16-99.	\$0.00	\$10,142.40	\$0.00
4 000 SC	SEARS NEW ORLEANS CREDIT CENTRAL P. O. BOX 29600 NEW ORLEANS, LA 70189-0600	Secured	SECURED PORTION OF CLAIM DISALLOWED PER ORDER DATED 8-16-99.	\$0.00	\$503.86	\$0.00
Subtotal For Claim Type SC SECURED CLAIMS				\$0.00	\$10,977.26	\$0.00
025 TAE	STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743	Administrative	PER ORDER DATED 9-30-99	\$0.00	\$299.94	\$299.94
Subtotal For Claim Type TAE TRUSTEE ATTORNEY EXPENSES				\$0.00	\$299.94	\$299.94
025 TAF	STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743	Administrative		\$0.00	\$2,658.00	\$2,658.00
Subtotal For Claim Type TAF TRUSTEE ATTORNEY FEES				\$0.00	\$2,658.00	\$2,658.00
1 070 UC	SEARS ROEBUCK & CO. P. O. BOX 29600 NEW ORLEANS, LA 70189	Unsecured		\$0.00	\$1,325.03	\$1,325.03
2 070 UC	MONTGOMERY WARD CREDIT CORPORATION A DIVISION OF G.E.C.C. P. O. BOX 29113 SHAWNEE MISSION, KS 66201	Unsecured		\$0.00	\$432.74	\$432.74
4 070 UC	SEARS NEW ORLEANS CREDIT CENTRAL P. O. BOX 29600 NEW ORLEANS, LA 70189-0600	Unsecured		\$0.00	\$343.00	\$343.00
Subtotal For Claim Type UC UNSECURED CLAIMS				\$0.00	\$2,100.77	\$2,100.77
Case Totals:				\$0.00	\$63,764.25	\$52,161.28

Code #: Trustee's Claim Number, Priority Code, Claim Type

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:)	
WHITE, DALE WILLIAM)	CASE NO. 94-10973
WHITE, HELENA FRANCINE)	
)	CHAPTER 7
DEBTOR(S))	

TRUSTEE'S REPORT OF
PROPOSED FINAL DISTRIBUTIONS

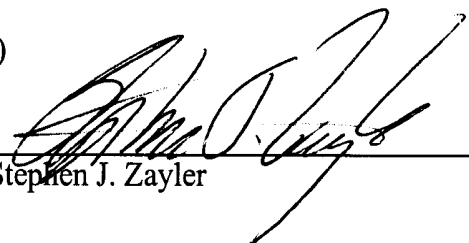
The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distributions.

1. The Court has entered orders which have become final, and which dispose of all objections to claims, all objections to the trustee's Final Report, all applications for compensation, and all other matters which must be determined by the Court before final distribution can be made.

2. The trustee proposes to make final distribution of the funds of the estate as follows, and will make such distribution unless written objection thereto is made, filed and served on the trustee and on the United States trustee.

1. BALANCE ON HAND	\$8,153.25
2. ADMINISTRATIVE EXPENSES TO BE PAID * (note)	\$6,546.00
3. SECURED CLAIMS TO BE PAID * (note)	\$0.00
4. PRIORITY CLAIMS TO BE PAID * (note)	\$0.00
5. UNSECURED CLAIMS TO BE PAID * (note)	\$1,607.25
6. OTHER DISTRIBUTIONS TO BE PAID * (note)	\$0.00
7. TOTAL DISTRIBUTIONS TO BE MADE (Sum of lines 2 through 6)	\$8,153.25
8. ZERO BALANCE AFTER ALL DISTRIBUTIONS (Line 1 less line 7)	\$0.00

* (See attached schedule of payees and amounts)



Stephen J. Zayler (Trustee)

PROPOSED DISTRIBUTION

Case Number: 94-10973

Page 1

Date: October 6, 1999

Debtor Name: WHITE, DALE WILLIAM \ WHITE, HELENA FRANCINE

Claim #	Payee Name	Class	Priority	Amount	Paid to Date	Claim Balance	Proposed Pymt	Funds Remaining
Beginning Balance								
	Stephen J. Zayler - Fees COMPENSATION	Admin		\$6,160.69	\$0.00	\$6,160.69	\$6,160.69	\$8,153.25
	Stephen J. Zayler - Exp EXPENSES	Admin		\$385.31	\$0.00	\$385.31	\$385.31	\$1,992.56
	DAVID W. STARNES ATTORNEY AT LAW 390 PARK, SUITE 700 BEAUMONT, TX 77701	Admin	025	\$32,000.00	\$32,000.00	\$0.00	\$0.00	\$1,607.25
	DAVID W. STARNES ATTORNEY AT LAW 390 PARK, SUITE 700 BEAUMONT, TX 77701	Admin	025	\$15,102.57	\$15,102.57	\$0.00	\$0.00	\$1,607.25
	STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743	Admin	025	\$2,658.00	\$2,658.00	\$0.00	\$0.00	\$1,607.25
	STEPHEN J. ZAYLER ATTORNEY AT LAW P. O. BOX 150743 LUFKIN, TX 75915-0743	Admin	025	\$299.94	\$299.94	\$0.00	\$0.00	\$1,607.25
1	SEARS ROEBUCK & CO. P. O. BOX 29600 NEW ORLEANS, LA 70189	Unsec	070	\$1,325.03	\$0.00	\$1,325.03	\$1,013.75	\$593.50
2	MONTGOMERY WARD CREDIT CORPORATION A DIVISION OF G.E.C.C. P. O. BOX 29113 SHAWNEE MISSION, KS 66201	Unsec	070	\$432.74	\$0.00	\$432.74	\$331.08	\$262.42
4	SEARS NEW ORLEANS CREDIT CENTRAL P. O. BOX 29600	Unsec	070	\$343.00	\$0.00	\$343.00	\$262.42	\$0.00
<< Totals >>				\$58,707.28	\$50,060.51	\$8,646.77	\$8,153.25	\$0.00

Proposed distribution is dependent on the Court's rulings on administrative expenses, contest of claims, and/or objections made to this proposed distribution.

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:)	
WHITE, DALE WILLIAM)	CASE NO. 94-10973
WHITE, HELENA FRANCINE)	
)	CHAPTER 7
DEBTOR(S))	

**ORDER ALLOWING TRUSTEE'S FINAL APPLICATION FOR COMPENSATION
AND APPROVING TRUSTEE'S FINAL REPORT AND PROPOSED DISTRIBUTION**

ON THIS DAY came on for consideration the Trustee's Final Report filed by Stephen J. Zayler, the duly appointed Chapter 7 Trustee. The Court finds that notice of this hearing has been given as required by the Bankruptcy Rules. Upon due consideration, the Court finds that cause exists which justifies the entry of the following order:

IT IS THEREFORE ORDERED that the Chapter 7 Trustee's final application for compensation in the amount of \$6,160.69 and for reimbursement of expenses in the amount \$385.31 is **Granted**.

IT IS FURTHER ORDERED that the Trustee's Final Report is approved as submitted by the Chapter 7 Trustee, including approval of the payment of the following fees and charges assessed against the Estate under Chapter 123 of title 28 of the United States Code.

FEES/CHARGES

PROPOSED PAYMENT

Clerk Noticing/Claim Fees	\$0.00
Unpaid Adversary Filing Fees	\$0.00
Unpaid Quarterly Fees	\$0.00

IT IS FURTHER ORDERED that the Chapter 7 Trustee shall make final distribution of the amounts set forth in the Trustee's Final Report as approved by this Court and shall file a Supplemental Final Report and Account together with such bank statements as are necessary to document a zero balance in all Estate accounts, following compliance with Section 347(a) of the Bankruptcy Code and Bankruptcy Rule 3011, if applicable.

SIGNED this the _____ day of _____, 1999.

BANKRUPTCY JUDGE

By: _____
Deputy Clerk